UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/148
16 February 2001

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

GE. *200 01 345*

ENG

Economic, social and cultural rights: The right to work violated by transnational corporations

The *International League for the Rights and Liberation of Peoples (LIDLIP)* has been concerned with problems within the **garment and sportswear industries**. This sector is fully engaged in an internationalization process in the pursuit of greater profits generated by delocalization of the industries. Among the effects on the workers of the host countries, different forms of denial of justice and of violation of legislation can be assessed.

In its judgment, the *Permanent Peoples' Tribunal* (*), after having heard witnesses from countries from Asia, Africa, Latin America and Eastern Europe and after having acquainted itself with numerous documents from trustworthy sources, the Tribunal observed the following violations :

"1. Extended working hours
In all cases studied, grave violations of labour laws have been reported in respect of working hours: 60, 70 or even 100 hours work per week; night work without extra payment; compulsory overtime, often without notice and on threat of dismissal; non respect of weekly rest days.

2. Insufficient remuneration
Wages below the legal minimum, itself often below subsistence level, in the country of the subcontracting firms; arbitrary deductions from wages of payments for food, lodging and transportation; delayed payments of wages; no extra payment for overtime hours; no compensation for workplace accidents; wages reduced in case of failure to respect excessive production targets; fines for minimal absence from work; different wage scales for men and women.

3. Disastrous working conditions
Unhealthy working conditions, created by heat, lack of ventilation, lack of space; lack of on-the-job safety measures, resulting in very high rates of work accidents; factory doors locked, representing a danger in case of fire, earthquake, etc.; lack of sanitary facilities, especially for women; an absence of day-care centers for children.

4. Violation of labour laws
Absence of work contracts; prohibition of trade unions; denial of collective conventions; arbitrary dismissals without compensation; compulsory overtime; non-enforcement of local laws on working hours, work conditions, minimum wage and security; lack of publication of codes of conduct when they exist; denial of the right to strike; a particular emphasis on the existence of child labour, in workshops or in their homes, often during long hours and in very unhealthy conditions.

5. Non respect of human dignity
Absence of privacy in the factories; dismissal of pregnant women; limits in the use of sanitary facilities; prohibition of marriage for girls; wages below basic family needs; sexual harassment of women workers within and outside the factory compound; child labour for sometimes more than 10 hours a day; physical punishment; locked factories transformed into kinds of jails."

In its conclusions, the Tribunal recognizes that these situations for being "analogous to the social conditions which existed in Europe and North America in the 19th century", but these are those imposed everywhere and in all times by "wild" capitalism, i.e. capitalism not counterbalanced by the workers' resistance. The companies defend themselves by citing the pressures of the competition and by shifting the responsibilities to their local subcontractors, and the Tribunal also held responsible of neo-liberal economic government policies which reduce government ability to protect their populations. Thus, it finally concludes that

> "the seven companies which it examined - Nike, Levi Strauss, H&H, C&A, Adidas, Otto Versand and Walt Disney - are all guilty not only of the breach of several norms of labour law, but also of lack of respect of human indignity and therefore of violations of fundamental human rights. According to information received by the Tribunal, such practices are common among the majority of the companies in the sector. The codes of conduct elaborated by the companies were never drafted in collaboration with the local workers. Most of the time, the workers were unaware of even the existence of such codes, and, worse, there is no guarantee of compliance with these codes. Monitoring them often remains on a matter of rhetoric, and the organs meant to be independently in charge of this task do not involve those directly concerned, i.e. the workers themselves and even less, indeed never, the trade unions. Most of the time companies in these fields enjoy total impunity. New forms of pressure are therefore necessary to change these unbearable situations".

In its verdict, the Tribunal:

> "- identifies the weakening of the trade unions and the States and the increased concentration of power in the hands of transnational corporations as elements which determine workers' rights [...] and expresses serious concern for the future of the rights of peoples, although sanctioning the constant obligation of states to protect these rights;
> - condemns the generalized violations of workers' rights in the garments and sportswear industry, violations affecting freedom of association, collective negotiation, equal wages, the minimum wage, dignity at work, health and security in the work place, all rights defined in ILO Conventions, in the Universal Declaration of Human Rights, in the Universal Declaration on the Rights of Peoples and in other international instruments;

- condemns the exploitation of women and discrimination against them in the work place as well as the lack of concrete measures to prevent sexual harassment of women, who represent 80 percent of the work force in the garment industry;
- condemns recourse to child labour which is prohibited by international instruments already mentioned as well as by the Convention on the Right of the Child but which is commonly practiced by these industries in spite of the denial of major manufacturers and distributors;
- condemns also the recourse to forced labour which is prohibited by ILO Convention 29 and by other international instruments but which, as borne out by evidence presented to the Tribunal, persists in the garment industry;
- condemns the utilization by major manufacturing companies of codes of conduct which aim at dissimulating the real work conditions which obtain in the sector [...], and at diluting legislation and national regulation stronger than the codes elaborated by these companies;
- condemns the generalized recourse by these same companies to their subcontractors in order to decline every responsibility regarding conditions in which goods they market and manufacture and in order to exacerbate insecurity of jobs among workers;
- [...]
- encourages [...] human rights movements to take cases before the competent tribunals against the manufacturers and to utilize other forms of pressure in order to prevent these companies from continuing to exploit workers producing goods these companies market;
- commends the follow up of efforts which aim at formulating and implementing codes of conduct in the garment industry establishing just standards for working conditions as well as efforts which aim at setting up compliance and monitoring mechanisms which the workers can trust and which guarantee fast redress in case of non-respect of codes of conduct."

(*) The ***Permanent Peoples' Tribunal*** was created in 1979 by a group of personalities, of different nationalities and backgrounds at the instigation of the Italian Senator Lelio Basso (1903-1978), former member of the Russell Tribunal. Functioning as a tribunal of opinion, this international body receives complaints from peoples subjected to injustice of any kind. As such, the Tribunal claims to fill a void in the international judicial order in the field of rights of national communities or ethnic minorities. Since its founding, it has investigated and deliberated some 30 cases. In the framework of its activities relating to **transnational corporations**, it devoted a special session to problems within the **garment and sportswear industries** (Brussels, 30.4.-5.5.1998)..